

BOARD MEETING MINUTES

**OCTOBER 19 & 20, 2000
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
RADISSON – HARBOR VIEW
SAN DIEGO, CALIFORNIA**

Thursday, October 19, 2000

BOARD MEMBERS PRESENT: Kathy Hoffman (President), Vince DiTomaso (Vice-President), David Chen, James Foley, Andrew Hopwood, Stephen Lazarian, and Millicent Safran.

BOARD MEMBERS ABSENT: Gregg Brandow, Marilyn Lyon, Myrna Powell, and Quang Vu

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Janeece Sargis (Examination Analyst), Jacqueline Barclay (Executive Analyst), Cindy Morris-Hoppe, (Licensing Evaluator), Debbie Thompson, (Budget Analyst)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President Hoffman at 3:45 p.m. Roll call was taken and a quorum was established.

2. Public Comment

President Hoffman asked for public comment.

There was no public comment.

3. Closed Session

The Board went into closed session at 3:50 p.m.

4. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board discussed pending litigation.

Ms. Christenson also reported that the Board approved those candidates who previously passed the 8-hour section of the Land Surveyor, Mechanical, and Civil examinations from the April 2000 examinations and had recently passed the Board Laws and Rules examination.

Ms. Christenson reported that the Board approved the appeal results from the April 2000 examinations.

5. Approval of Consent Items

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve the minutes of the September 7, 2000 Board Meeting and the October 2, 2000 Teleconference Board Meeting and approve the candidates for licensure based on examination results approved in closed session.

VOTE: 7-0, motion carried

6. Approval of Delinquent Reinstatements

MOTION: Mr. Hopwood/Mr. DiTomaso moved to approve the Delinquent Reinstatements as follows:

Chemical

1. Carrie L. Weisse
Reinstate applicant's chemical license once she takes and passes the Board's Laws and Rules Examination.

Traffic

1. Robert Weithofer
Reinstate applicant's traffic license once he takes and passes the Board Laws and Rules examination and pays all required delinquent renewal fees.

VOTE: 7-0, motion carried

7. Comity and Temporary Authorization Applications

MOTION: Mr. Foley/Mr. Hopwood moved to approve the comity applicants shown on page 31 of the agenda.

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Hopwood moved to approve the following electrical applicant for licensure by waiving the second division examination (NCEES Electrical Engineering examination) because applicant has the appropriate experience, has taken and passed an 8-hour Professional Engineering examination, and is licensed in another state.

1. Robert Weber

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Hopwood moved that the following civil applicants be allowed to sit for the October 2000 seismic principles and engineering surveying examinations and waive the second division examinations (NCEES Civil Engineering examination) because applicants have the appropriate experience, have taken and passed an 8-hour NCEES examination, and are licensed in another state.

1. Mitchell Frumkin
2. Davis Stewart
3. Harry Dotson
4. Lloyd Slezak
5. Jeffrey Inferrera
6. Michael McCarthy
7. William Waters
8. Thomas Vik
9. Dharendra Gupta
10. Allen Hurtz
11. John Black
12. Storer Boone

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Hopwood moved to deny Michael Blankenship licensure by comity based on his education and experience

(waiver of 8-hour examination) as a Civil Engineer.
However, based on his education and experience, move to
approve licensure by comity (waiver of 8-hour examination)
as either an Agricultural Engineer or a Chemical Engineer.

VOTE: 7-0, motion carried

The Board recessed at 4:00 p.m.

Friday, October 20, 2000

BOARD MEMBERS PRESENT: Kathy Hoffman (President), Vince DiTomaso (Vice-President), Gregg Brandow, David Chen, James Foley, Andrew Hopwood, Stephen Lazarian, Millicent Safran, and Quang Vu.

BOARD MEMBERS ABSENT: Marilyn Lyon, Myrna Powell

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Janeece Sargis (Examination Analyst), Jacqueline Barclay (Executive Analyst), Cindy Morris-Hoppe, (Licensing Evaluator), Debbie Thompson (Budget Analyst)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President Hoffman at 9:10 a.m. Roll call was taken and a quorum was established.

2. Public Comment

President Hoffman asked for public comment.

No public comment was made.

7. Temporary Authorization Application

MOTION: Mr. Hopwood/Mr. Vu moved to approve an extension of Mr. Nicola Ruccia's temporary civil license from November 1, 2000 to December 30, 2000.

VOTE: 9-0, motion carried

8. Approval and Adoption of Amendments to Board Rule 442 (Examination and Subversion)

Ms. Eissler reported on this item.

MOTION: Mr. Vu/Mr. Hopwood moved to adopt the language shown on pages 40 and 41 of the agenda as final language to be submitted to the Director of the Department of Consumer Affairs and the Office of Administrative Law for review, approval, and filing with the Secretary of State.

VOTE: 9-0, motion carried

9. Committee Reports

President Hoffman announced that the Committee Agenda items would be taken out-of-order.

a. Examinations/Qualifications

2. Regulations Governing Engineer-in-Training Examination Waiver

Mr. Duke reviewed the current regulations with respect to waiver of the Engineer-in-Training examination, the decision by the Administrative Law Judge in a statement of Issues, and the historically- accepted interpretation of the waiver requirements.

The Board directed staff and Mr. Duke to proceed with drafting regulatory language to clarify the requirements for waiving the Engineer-In-Training examination. The language will be presented at the December Examination/Qualifications Committee Meeting.

3. Reinstatement of Waiver of the Engineer-in-training Examination for Professors

Mr. Duke stated that the Board would have to demonstrate to the Office of Administrative Law the policy reasons and rationale for reinstating this waiver and that it might be difficult to justify given that the waiver was not used much before.

Ms. Sargis stated that if reinstated differently, it might be looked upon more graciously and would possibly be easier to reinstate and broaden the list.

President Hoffman requested that Eileen Crawford research this issue further in conjunction with the Dean's Council.

b. Enforcement

1. Report on the October 19, 2000 Committee Meeting

Dr. Brandow reported on the meeting.

2. Fingerprint/Criminal Records Check Program

Staff and attorneys are continuing to research this and will have a report with recommendations at the next committee meeting.

3. Action Plan for Development and Adoption of Regulations Regarding a Code of Professional Conduct (Code of Ethics)

MOTION: Dr. Brandow/Mr. Hopwood moved to direct staff to begin the process to adopt the Code of Professional Conduct regulations, according to the general action plan included in the Enforcement Committee agenda (page 46).

VOTE: 9-0, motion carried

Dr. Brandow stated that reports on the status of this project will be provided at all future Enforcement Committee meetings. Staff will solicit input from professional societies and licensees.

4. Implementation of the Laws Requiring the Use of Written Contracts

Dr. Brandow stated that staff will be including prominent articles in the Bulletin and on the website about the new requirement to use written contracts. The Consumer Guide will be updated. Professional societies will also be notified. The Board does not need to adopt any regulations to implement this.

Mr. Vu questioned how this law effects engineers working for a public agency.

Ms. Eissler stated that contracts with public agencies are exempt under 6749(b)(4)(G).

b. Legislative

1. Report on the October 19, 2000 Committee Meeting

Ms. Safran reported on the meeting.

2. Update of Legislation for 2000 Session

Ms. Safran reported that staff will be providing the Board with the final adopted version of the new laws and any updates will be included in the Bulletin and the website.

c. Administrative

1. Report on the October 19, 2000 Committee Meeting

Mr. DiTomaso reported on the meeting.

2. Administrative Update

a. Fund Condition

Mr. DiTomaso stated that the Committee recommended that the Board appoint President Hoffman and Mr. DiTomaso to work as liaisons with Board staff to contact DCA and express concern regarding the estimate of \$465,000 for the study of the Title Acts.

President Hoffman requested that someone from the CSUS research group attend the December Board meeting to discuss the review of the Title Acts. Ms. Christenson stated it would be a good opportunity for the public to see what the study entails.

b. FY 2000/01 Budget

No action taken.

c. Fee Increase

Mr. DiTomaso stated Board staff is currently preparing a report due to the Joint Legislative Sunset Committee to justify an increase.

Dr. Chen expressed concern over increasing the renewal fees of the licensees and would prefer the burden of fee increase be on the examinee, especially to cover the costs of the examination program.

Ms. Thompson stated the examination program would be more supportive of itself if we raise examination fees.

Mr. Foley pointed out that the engineering license renewal is less expensive than most other types of licenses.

Mr. Vu stated we should try to be consistent with other boards regarding allocating examination costs between licensees and applicants.

President Hoffman appointed Mr. Foley and Ms. Powell as a subcommittee to work with Board staff regarding a fee increase. If Ms. Powell is not available to serve on the subcommittee, then President Hoffman will.

MOTION: Mr. DiTomaso/Mr. Hopwood moved to approve an application and renewal fee increase proposal developed by Board staff that will augment the examination program expenses with license renewal revenue and to prepare the fee increase report to the Joint Legislative Sunset Review Committee due October 31, 2000 and will follow option number 4 on page 14 of the Administrative Committee Meeting Agenda.

VOTE: 8-0-1, Dr. Chen abstained, motion carried

d. Outreach Efforts

No action taken.

e. Plastic ID Cards

Mr. DiTomaso reported that the plastic identification cards for the February and March licensees and renewals have been printed and are in the process of being mailed out.

f. Document Management System

Mr. DiTomaso reported that the workgroup met in September to work on the business process chart for application processing.

Mr. DiTomaso also stated that this is a long-term on-going project due to cost and time.

g. Professional Land Surveyor Consultant Contract

No action taken.

h. Strategic Plan

Mr. DiTomaso reported that Board staff is in the process of setting up arrangements to have DCA strategic planners assist in the development of the Board's strategic plan.

Mr. DiTomaso also stated that the day would probably be January 24, 2001 if meeting rooms are available.

10. Technical Advisory Committee Reports

a. Land Surveyor (no meeting)

No action taken.

b. Civil/Geotechnical Engineering

1. Report on the September 26, 2000 TAC Meeting

Mr. Foley reported on the meeting.

Mr. Vu reported that he met with Mr. Elbettar and Mr. Rogoway in April in regards to the Design-Build issue. Mr. Vu also stated that he has not met with Mr. Elbettar and Mr. Rogoway since because of the problems at the Contractors Board. Mr. Lazarian reported that efforts to meet with them have been suspended for now because they have no Registrar.

Mr. Foley reported that some of the utilities and agencies are forming a task force to look into trenching.

c. Mechanical Engineering

Mr. Vu reported that the next meeting is scheduled for November 3, 2000.

d. Electrical Engineering

1. Report on the September 14, 2000 TAC Meeting

Mr. DiTomaso reported on the meeting.

Mr. DiTomaso stated that the TAC members wanted to convey to the Board if any help is needed in the study of the Title Acts they will assist.

Mr. DiTomaso reported that two TAC members are nearing the end of their terms and the process to fill their vacancies will begin in January.

Mr. DiTomaso reported that the next meeting is scheduled for December 7, 2000 in Sacramento.

e. Structural Engineering

1. Report on the September 13, 2000 TAC Meeting

Dr. Brandow reported on the meeting.

Dr. Brandow stated that most of the meeting was spent discussing Structural Examinations, NCEES Civil, and Seismic Principle test plans.

Dr. Brandow reported that they have a new TAC member, Mary Williams. She has worked in Examination Development Programs.

Dr. Brandow reported that the next meeting is scheduled for December 13, 2000.

11. Liaison Reports

a. ABET

President Hoffman asked Tom Stout to address the Board regarding this item.

Mr. Stout reported on the upcoming ABET meeting regarding the efforts of ABET to meet the requirements of the United States Department of Education. President Hoffman asked Mr. Stout if the Board could get a copy of his report. Mr. Stout stated that he would make sure the Board receives a copy.

Dr. Chen reported on the upcoming ABET accreditation dates of the following universities in California, October 15 –17 UCLA, October 22 –24 CA State Fresno, October 29 –31 Loyola/Marymount, November 5 –7 UC Davis, November 5 – 7 UC Riverside, November 5 – 7 CA State Los Angeles, November 12 – 14 University of Pacific Stockton.

Dr. Chen thanked Kathryn Chaney and David Brown for their outstanding work in coordinating their ABET visits.

Dr. Chen stated that someone was needed to go to University of Pacific, November 12 – 14. President Hoffman asked for any volunteers and suggested that maybe Board staff could attend.

b. NCEES

Ms. Christenson reported that she attended a computer based testing task force meeting. Ms. Christenson stated that instead of moving ahead with computer based testing at this time, we need to get candidate population built up and review the format of the examinations. Ms. Christenson also stated that there would probably be 2 –3 years of pilot testing.

Mr. Vu stated that Ted Fairfield would like to attend the December Board meeting to give a report on NCEES.

c. Technical and Professional Societies

No report.

12. President's Report

President Hoffman reported that she is preparing an article for the Fall Bulletin.

President Hoffman asked if NCEES has data that would show the numbers of EIT candidates that pass the Fundamentals Examination but do not go on to take the Professional Examination. Ms. Christenson stated that NCEES does not have this data available.

13. Executive Officer's Report

1. Administration Report

Ms. Christenson reported on the Website activity. She stated that there has been a decrease in hits on the Website since the final filing date for examinations has passed.

Personnel

Ms. Christenson stated that Diane Barbosa has retired, Cady Davis has taken over as Webmaster and Publications Editor, Jackie Barclay will be going to the Enforcement Unit as an Enforcement Analyst, Cindy Morris-Hoppe will be taking over Jackie Barclay's position as an Executive Analyst.

Ms. Christenson also stated that would leave the Lead Evaluator position vacant and that there are several people within the office interested in the position and that she is very pleased that so many people within the staff are able to fill the positions.

2. Enforcement/Examinations/Licensing

Ms. Christenson reported on the upcoming examinations. She stated that all examinations with the exception of the Land Surveyor examination were being given on October 27 & 28, 2000 and that the Special Accommodations would be held October 30, 2000.

Ms. Christenson also stated the examinations would be held in 5 locations throughout California: Sacramento, Tulare, San Diego, Pomona, and San Mateo.

Ms. Christenson commended Denise Tomlinson for her Proctor Instructions that NCEES has started using.

Ms. Christenson also thanked Bart Liriano-Chavez for the good job he has done on the new Pocket Identification Cards.

3. Publications/Website

Ms. Christenson reported that the Fall Bulletin should be ready in approximately 1-2 months.

Ms. Christenson also reported on the Board Roster and that we are trying to work on the Roster "in house" so it will be more up-to-date.

4. Other

Ms. Christenson stated that the Oregon Board is interested in purchasing our Geotechnical Examination and that it will be on the next Agenda.

Ms. Christenson also stated that the issue of revoked licenses and the length of time before they can be reinstated, may change from 1 year to 3 years; this will be on the next Agenda.

Ms. Christenson stated that DCA was having a Legislative Day on November 1, 2000 and she encouraged all Board members to attend.

14. Approval of Board Travel

No action taken

15. Other Items Not Requiring Board Action

- a. **Next Board Meeting: December 14 & 15, 2000, Sacramento Board Office**

16. Adjourn

The Board adjourned at 11:25 a.m.

PUBLIC PRESENT

Cody Tubbs
Tom Stout
Tony Spillane